

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

GREGORY B. CRAIG,

Defendant.

Case No. 1:19-cr-0125 (ABJ)

**DEFENDANT’S COMPLETENESS OBJECTIONS
TO GOVERNMENT’S EXHIBIT LIST**

Federal Rule of Evidence 106 provides that, “If a party introduces all or part of a writing or recorded statement, an adverse party may require the introduction, *at that time*, of any other part—or any other writing or recorded statement—that in fairness ought to be considered at the same time.” Fed. R. Evid. 106 (emphasis added). Pursuant to the Court’s August 7, 2019 request, Mr. Craig hereby explains why, as to the government exhibits listed below, the exhibits should be excluded or, if the exhibits are offered, other exhibits must be introduced at the same time.

GX	Date	Description	Bates Number	Completeness Objection
27	2/10/2012	Email; Yulia Tymoshenko	USA-REL-0157949	<i>Completeness objection withdrawn.</i>
29	2/13/2012	Email; RE: Yulia Tymoshenko	USA-REL-0157981	GX 29 is an incomplete portion of the longer string contained in <u>GX 30</u> . GX 29, standing alone, suggests that Mr. Craig’s question to Mr. Sloan (“I think we don’t have to [register under FARA] with this assignment, yes?”) was not answered. In <u>GX 30</u> , Mr. Sloan responded that he would “check the law.” Under Rule 106, GX 29 should be excluded and GX 30 used instead. ¹

¹ Rule 106 would technically be satisfied if GX 30 were introduced *in addition* to, and at the “same time” as, GX 29. But that would create duplication and confusion. Accordingly, GX 29 should simply be excluded. (For that same reason, the incomplete versions for each of the

GX	Date	Description	Bates Number	Completeness Objection
58	4/11/2012	Email; Re: Urgent Problem	USA-REL-0000668-0000671	<u>GX 59</u> shows that Mr. Craig's question whether Skadden would be paid was answered immediately, and Mr. Manafort will not be a witness, which makes it particularly important that the full conversation, including Mr. Manafort's answer, be included in the exhibit used at trial.
65	4/17/2012	Email; FARA issues	USA-REL-0027381	GX 65 contains a question from Mr. Van Der Zwaan that is confusing and misleading without the subsequent responses. <u>GX 71</u> should be used instead.
69	4/17/2012	Email; Re: FARA issues	USA-REL-0113037-0113038	Like GX 65, GX 69 and GX 70 are only slices of the email conversation. <u>GX 71</u> , which includes Mr. Sloan's response to Mr. Kadem and Mr. Craig's further response, is the complete conversation and should be used instead.
70	4/17/2012	Email; Re: FARA issues	USA-REL-0111929-0111930	
100	4/19/2012	Email; PR Issues	USA-REL-0168280	GX 100 standing alone is misleadingly incomplete because it does not contain Mr. Cowie's answer to Mr. Craig's question. <u>Exhibit A hereto</u> (USA-REL-0167966) is the complete string with Mr. Cowie's response, and shows that Mr. Craig did not suggest or recommend FTI; his colleague in London, Matthew Cowie, did.
112	5/7/2012	Email; PR Update	USA-REL-00047232-00047234	Like GX 100, GX 112 misleadingly suggests that Mr. Craig selected FTI as the PR firm to recommend to the Ministry. The complete string, <u>Exhibit B hereto</u> (USA-REL-0047263 to -64), shows that Mr. Gates and Mr. Manafort were the ones making that decision, in consultation with the lawyers in the London office (Mr. Van Der Zwaan and Mr. Cowie). And like Mr. Manafort, Mr. Van Der Zwaan will not be a witness, and so the jury should not be shown the incomplete email string.

documents listed below should be excluded, with only the complete version admitted. The only exception is GX 540, as explained below.)

GX	Date	Description	Bates Number	Completeness Objection
113	5/7/2012	Email; RE: Tymo	USA-REL-0047212-13	GX 113 standing alone is misleadingly incomplete. <u>GX 114</u> , the complete string, in which Mr. Craig notes that “finding someone <i>else</i> to give PR advice” is not “covered by the FARA statute,” is necessary to explain and clarify Mr. Craig’s “Talking points” email to Mr. Van Der Zwaan, particularly because Mr. Van Der Zwaan will not be a witness.
116	5/10/2012	Email; RE: Kiev	USA-REL-0341033-0341036	<i>Completeness objection withdrawn.</i>
200	7/30/2012	Email: RE: Language Issues	USA-REL-0000924	In this email, Mr. Craig explains to Mr. Manafort his major “concern” that the Ministry of Justice was going to create its own translation of the report and “falsely leak a story that ‘Skadden Finds Tymoshenko Guilty’ [or] ‘Skadden Report Exonerates Ukraine,’ because “[t]hat kind of story would be a disaster.” The government intends to focus on the last line, “We have to join arms to get something just a little more nuanced. Yes?” Mr. Manafort’s response in the complete string, <u>DX 88</u> , shows that both Mr. Craig and Mr. Manafort understood Mr. Craig’s question to be a diplomatic way of demanding that Mr. Manafort take steps to prevent the Ministry from twisting and mischaracterizing the Skadden Report’s conclusions. Mr. Manafort proposed a way to ameliorate that concern – by delivering a translated version at the same time as the English version, and delivering both in hard copy. The need to admit only the complete string (DX 88) is particularly important given that Mr. Manafort will not be a witness.

GX	Date	Description	Bates Number	Completeness Objection
205	8/3/2012	Email; Manafort is seeing BG on Wednesday	USA-REL-0136184	This is another example of the government presenting a question posed by Mr. Craig without the answer. The complete string, <u>Exhibit C hereto</u> (USA-REL-0158615), shows that Skadden was willing to rebuff the President of Ukraine's requests for a draft ("BG" or "Big Guy" refers to President Victor Yanukovich), for weeks if necessary, until the massive effort of translating the Report was done. And as discussed above with regard to GX 200, that was precisely because both Skadden and Mr. Manafort felt doing so was necessary to prevent the Ministry from mischaracterizing the Report as a whitewash.
358	12/11/2012	Email; Sanger conversation	USA-REL-0194869	GX 358 on its own is incomplete and confusing because the "Sanger conversation" referred to in the subject line was Mr. Craig's December 11 conversation with David Sanger. The full string, <u>GX 359</u> , completes the conversation, and reflects that Mr. Craig and Mr. Sloan discussed Mr. Craig's conversation with Mr. Sanger about the Tymoshenko report – immediately before Mr. Craig headed home and dropped a copy of the report at Mr. Sanger's home (behind his storm door; Mr. Sanger was not home).
393	12/13/2012	Email; Well Done	USA-REL-0193998	<i>The Court has already excluded this document on completeness grounds, and has taken under advisement whether the statements of fact in Mr. Manafort's email must be redacted because they are hearsay ("The initial rollout has been very effective . . ." through "Alex did a great job in his briefings in Warsaw"). The only purpose for which those statements are offered by the government are for their truth.</i>
540	ND	Multi-page document with cover sheet entry: Comments from OGP + Oval Office	USA-REL-0338933-0338948	GX 540 is not itself incomplete, but if GX 540 is offered, Rule 106 requires introduction of DX 94 as well, which reflects that the comments from the Ministry contained in GX 540 were received by Skadden on August 10, 2012.

GX	Date	Description	Bates Number	Completeness Objection
566	5/26/2012	Email; Tymoshenko case	USA-REL-0049961-0049962	In GX 566, Sergiy Vlasenko, Ms. Tymoshenko's lawyer, posed a number of questions to Mr. Craig about Skadden's engagement, and Mr. Van Der Zwaan responded that Mr. Craig was traveling but would respond to Mr. Vlasenko "at his earliest opportunity." The complete string, <u>DX 57</u> , contains Mr. Craig's answers to Mr. Vlasenko's questions and should be used instead.
577	8/9/2012	Email; Kyiv Post Editorial: Skadden Stink	USA-REL-0176348-0176350	This is an email string among Skadden personnel about an editorial in the Kyiv Post raising questions about how Skadden had been paid. GX 577 is only part of the string. In <u>DX 92</u> , the complete string that should be used instead, the head of marketing in Skadden's London office confirmed that Skadden could only disclose such information if "the government" – Skadden's client – authorized such disclosure, and added, "We do not offer this kind of commentary up in [sic] usual circumstances – on or off the record. Negative or positive."

Dated: August 9, 2019

Respectfully submitted,

/s/ William W. Taylor, III

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 9, 2019, the foregoing was served on counsel of record via the Court's CM/ECF service.

/s/ Adam B. Abelson
Adam B. Abelson

From: Cowie, Matthew (LON)
Sent: Thursday, April 19, 2012 8:36 PM
To: Craig, Gregory B (WAS)
Subject: RE: PR Issues

I have a couple of names. I know the guy at Financial Dynamics who did [Redacted] Press PR, they are part of FTI who are a good client and then there are names at Bell Pottinger and elsewhere. I will put a list together.

From: Craig, Gregory B (WAS)
Sent: Thursday, April 19, 2012 8:18 PM
To: Cowie, Matthew (LON)
Subject: Re: PR Issues

I talked to Pshonka about this very subject at the end of the day today. He agreed that they need help. If you have names and bios to give me please do so tomorrow.

From: Cowie, Matthew (LON)
Sent: Thursday, April 19, 2012 03:10 PM
To: Craig, Gregory B (WAS); Loucks, Michael K (BOS)
Cc: Haskell, Alex T (WAS); Van Der Zwaan, Alex (LON)
Subject: PR Issues

Hi Greg/Mike

I meant to ask about the PR issue. If they are going to mount effective PR they will need to get this rolling soon.

Is this something we in the London office can take forward given the US difficulties?

Maybe we can speak on Monday next week about this aspect?

Regards

Matthew

From: Van Der Zwaan, Alex (LON)
Sent: Monday, May 07, 2012 5:39 PM
To: Cowie, Matthew (LON)
Subject: Fw: PR Update

FYI below. I need to head out to Kiev tomorrow to meet the PG to get this thing up and running. Will you join Wednesday or also want to come tomorrow?

From: Craig, Gregory B (WAS)
Sent: Monday, May 07, 2012 05:31 PM
To: Van Der Zwaan, Alex (LON)
Subject: RE: PR Update

Talked to Paul.

(1) He is fine with you and Rick making the call and I guess that there is consensus that FTI (Jonathan Hawker) is the way to go. We should arrange to make a recommendation to the Procurator General -- with a call to Oleg today if possible and a letter to Pshonka. Once we have made the recommendation, we should tell Manafort and he will follow up from the other side. (He is going to Kiev on Wednesday.)

(2) He is willing to help with the Justice Minister if we are having problems with the Agreement. Where are we on that? I am hopeful that we can send them a final package -- their agreement with my proposed changes and our agreement which is necessary to satisfy NYC requirements. Let me know what the state of play is with Valerya. Manafort says he will help with Lavrinovich if we are running into problems with Valerya.

(3) What is happening this week, if you know. If there is a program, I would be interested in knowing about it. We should not have to rely on Oleg to make an appointment with Yushenko at his Institute. I am under the impression that Matthew and you were going over, and Alex Haskell has offered to go over this week as well, and remain over the week-end to work next week. Am I right about that?

(4) I am planning to travel to Kiev on Monday next week and be there all week as needed. Do we have a program set up for next week?

From: Van Der Zwaan, Alex (LON)
Sent: Monday, May 07, 2012 9:45 AM
To: Craig, Gregory B (WAS); Loucks, Michael K (BOS); Cowie, Matthew (LON)
Cc: Haskell, Alex T (WAS)
Subject: Re: PR Update

Correct - I think the general consensus is that FTI is more suited to the job. I think that is also where Rick Gates and Paul will come out.

I have checked with FTI and Powerscourt, both are available for meetings in Kiev or London later this week.

Alex

From: Craig, Gregory B (WAS)
Sent: Monday, May 07, 2012 02:39 PM
To: Van Der Zwaan, Alex (LON); Loucks, Michael K (BOS); Cowie, Matthew (LON)
Cc: Haskell, Alex T (WAS)
Subject: RE: PR Update

But Alex, I take it that we like FTI better than the competition. Is that right?

From: Van Der Zwaan, Alex (LON)
Sent: Monday, May 07, 2012 9:05 AM
To: Craig, Gregory B (WAS); Loucks, Michael K (BOS); Cowie, Matthew (LON)
Cc: Haskell, Alex T (WAS)
Subject: Re: PR Update

Greg,

Both pitches from FTI and Powerscourt are in with Paul's colleague Rick Gates, who I understand was going to put them in front of Paul for his consideration. They then need to go through the motions with the Ukrainian government. Needless to say, the sooner they get that done the better, so that Matt and I can brief whoever is chosen (likely FTI) and get them up to speed and over there for meetings.

It would be great if you could let us know what updates Paul gives you on how the PR side is progressing after you have spoken.

Alex

From: Craig, Gregory B (WAS)
Sent: Monday, May 07, 2012 01:33 PM
To: Loucks, Michael K (BOS); Cowie, Matthew (LON)
Cc: Van Der Zwaan, Alex (LON); Haskell, Alex T (WAS)
Subject: RE: PR Update

I am talking to Paul Manafort this morning at 1030 our time. Does anyone want to tell me where we are on the PR front?

From: Loucks, Michael K (BOS)
Sent: Sunday, May 06, 2012 11:05 AM
To: Cowie, Matthew (LON)
Cc: Van Der Zwaan, Alex (LON); Craig, Gregory B (WAS); Haskell, Alex T (WAS)
Subject: Re: PR Update

I thought the FTI presentation looked better as well; that said, I have not met the individuals and defer to those who have met them or know them.

Sent from my iPad

On May 6, 2012, at 5:30 AM, "Cowie, Matthew (LON)" <Matthew.Cowie@skadden.com> wrote:

Hi Mike and Greg

I think its too late to consider another firm. We will lose another week if we do another round because of all the steps to get them involved.

We have a bank holiday in the UK on Monday so nothing possible here. Alex is working to line up interviews as discussed on our call so we think if we can get the PR people introduced to top people and to the trial team as quickly as possible this would be hugely valuable given the current press climate.

Ideally I would like to do a meeting in London with the successful firm on Tuesday - brief them - then they can be ready for productive meetings in Ukraine either Thursday or Friday.
We have confirmed with both that they are able to travel tail end of next week.

This means we should appoint a firm on MONDAY at the latest.

I think FTI are more suitable for this of the two firms that are up for consideration.

Matthew

From: Loucks, Michael K (BOS)
Sent: Saturday, May 05, 2012 07:46 PM
To: Van Der Zwaan, Alex (LON); Craig, Gregory B (WAS); Cowie, Matthew (LON)
Cc: Buck, Bruce M (LON); Kavanagh, David (LON)
Subject: RE: PR Update

Here is another potential firm:

<http://www.brunswickgroup.com/our-people/growing-team.aspx>

On the downside, they do not have an office in Moscow. But they do have an office in Brussels, as well as numerous other key cities in Europe, including in all of the capitals of the key players.

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From: Van Der Zwaan, Alex (LON)
Sent: Friday, May 04, 2012 9:33 AM
To: Craig, Gregory B (WAS); Loucks, Michael K (BOS); Cowie, Matthew (LON)
Cc: Buck, Bruce M (LON); Kavanagh, David (LON)
Subject: PR Update

I have just come off the phone from Rick Gates from Manafort's shop. He now has the PR pitches from the two short-listed candidates, FTI and Powerscourt (both attached for reference). He is going to speak to Paul today, and they are going to try to get the powers that be to make a decision over the weekend so that whoever is chosen can start next week.

He will be in touch as soon they decide who will get the job (my impression is that it will go to FTI).

Thanks,


Alex
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 Please consider the environment before printing this email

From: Haskell, Alex T (WAS) [Alex.Haskell@skadden.com]
Sent: Friday, August 3, 2012 8:38 PM
To: Craig, Gregory B (WAS) [Gregory.Craig@skadden.com]
Subject: RE: Manafort is seeing BG on Wednesday

The current estimate is August 24th. I'm pushing Geotext to see what they can do to speed up the process but the job is already being processed on an expedited timetable so I'm not optimistic we can get it much before then.

Alex T. Haskell
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 Please consider the environment before printing this email.

From: Craig, Gregory B (WAS)
Sent: Friday, August 03, 2012 3:36 PM
To: Haskell, Alex T (WAS)
Subject: Manafort is seeing BG on Wednesday

Wants to be able to give him a date when he can read the Russian version. Any help from you on that?